

Thelen Reid Brown Raysman & Steiner LLP
Jean L. Schmidt [JS 1213]
900 Third Avenue
New York, New York 10022
(212) 895-2000

Attorneys for Defendant Montefiore Medical Center

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
NOVELLA CARTER,	:	
	:	
Plaintiff,	:	No. 07 CV 3486 (KMK)
	:	
- against -	:	
	:	ANSWER
MONTEFIORE HOSPITAL	:	
Defendant.	:	
	:	
-----	X	

Defendant Montefiore Medical Center (incorrectly named “Montefiore Hospital”) (“MMC” or Defendant) by its attorneys Thelen Reid Brown Raysman & Steiner LLP, for its Answer to the Complaint, responds as follows:

1. Denies the allegations set forth in the first unnumbered paragraph of the Complaint, except admits that Plaintiff alleges she was discriminated against because of her disability and in violation of the Family and Medical Leave Act.
2. Neither admits nor denies the allegations set forth in the second unnumbered paragraph of the Complaint as they are conclusions of law only.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Complaint, and therefore denies same.
4. Admits the allegations set forth in paragraph 2 of the Complaint.

5. Admits the allegations set forth in paragraph 3 of the Complaint.
6. Denies the allegations set forth in paragraph 4 of the Complaint.
7. Denies the allegations set forth in paragraph 5 of the Complaint.
8. With respect to paragraph 6 of the Complaint, denies that Defendant is now discriminating or ever discriminated against Plaintiff.
9. Denies the allegations set forth in paragraph 7 of the Complaint.
10. Denies the allegations set forth in paragraph 8 of the Complaint, except denies knowledge or information sufficient to form a belief as to the truth of the allegations that Plaintiff's son has asthma and other medical illness and that Plaintiff developed a medical illness, and therefore denies same; and admits that Plaintiff missed work.
11. Denies that allegations set forth in paragraph 9 of the Complaint.
12. Denies that allegations set forth in paragraph 10 of the Complaint.
13. Denies that allegations set forth in paragraph 11 of the Complaint.
14. Denies the allegations set forth in paragraph 12 of the Complaint, except admits that the Equal Employment Opportunity Commission issued a Right to Sue Letter with respect to Plaintiff's claim of race discrimination.
15. Denies that Plaintiff is entitled to the relief set forth in the last unnumbered paragraph of the Complaint or to any relief against Defendant.

DEFENSES

FIRST DEFENSE

16. The Complaint, and each of allegations set forth therein, fails to state a claim upon which relief can be granted.

SECOND DEFENSE

17. Plaintiff failed to exhaust all necessary remedies, procedures, and time limits prior to filing this action and her claims are barred by the applicable statutes of limitations.

THIRD DEFENSE

18. The Court lacks jurisdiction over Plaintiff's disability discrimination claim.

FOURTH DEFENSE

19. Plaintiff was and remained an at-will employee at all times while employed by Defendant.

FIFTH DEFENSE

20. Any and all actions taken, and any and all decisions made, by Defendant with respect to Plaintiff were based on legitimate, non-discriminatory factors, and were made in good faith and in compliance with all applicable laws, without malice, and Defendant had reasonable grounds for believing that such acts and decisions were not unlawful.

SIXTH DEFENSE

21. If Plaintiff suffered any economic injury as a result of any alleged actions by Defendant, Plaintiff had a duty to mitigate damages, and, upon information and belief, failed to do so.

SEVENTH DEFENSE

22. Defendant reserves the right to raise any and all other defenses that may become evident during discovery and during any other proceedings in this action.

PRAYERS FOR RELIEF

23. WHEREFORE, Defendant respectfully requests this Court to enter an Order:

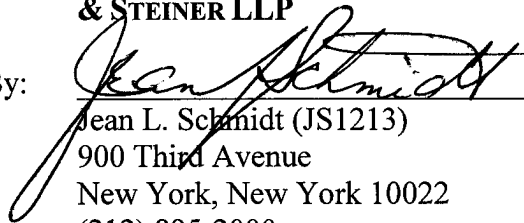
- (a) Denying the relief sought by Plaintiff;
- (b) Dismissing the Complaint with prejudice in its entirety; and
- (c) Granting such other and further legal and equitable relief as the

Court deems just and proper.

Dated: New York, New York
August 10, 2007

**THELEN REID BROWN RAYSMAN
& STEINER LLP**

By:


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